Railway. On that evening, the jinning mill workers were going on a truck to their place of work when this accident took place.

The hon. Railway Minister promised that all unmanned railway level-crossing gates would be converted into manned gates. But, so far no action has been taken. I request that priority should be given for converting these gates into manned ones. As all the workers who died were the bread-earners for their families, I demand the Railway Ministry to pay annex-gratia of Rs. 2,00,000 in cash to the dependants of each person who died and Rs. 50,000 each to the severely injured persons. Thank you, Sir.

SHRI SOLIPETA RAMACHANDRA REDDY (Andhra Pradesh): Sir, I want to associate myself with it.

THE VICE-CHAIRMAN (SHRI MD. SALIM): No association.

Need to protect 69% reservation to render justice to the SC/ST and Backward Classes

SHRI S. MUTHU MANI (Tamil Nadu): Mr. Vice-Chairman, Sir, I rise to bring to the notice of the Government a serious matter concerning the SCs/STs and the Backward Classes and which needs urgent attention.

Sir, in Tamil Nadu, reservation to SCs/STs and the Backward Classes people in Government posts and educational institutions was raised from 49 per cent to 68 per cent in 1980 by the lamented Chief Minister of Tamil Nadu, Dr. M.G. Ramachandran. It was raised to 69 per cent in 1990 for giving one per cent reservation to the Scheduled Tribes.

Sir, since there were observations of the hon. Supreme Court to limit the reservations to 50 per cent, the Tamil Nadu Government had to wait till 1980 to fulfil the aspirations of the people to increase the percentage of reservation. In 1976, while disposing of the State of Kerala vs. N.M. Thomas case, Justice Fazal Ali of the Supreme Court observed; I quote:

> "Decided cases of this court have no doubt laid down that the percentage of reservation should not exceed 50%. As I read the authorities, this is however a rule of caution and does not exhaust all categories. Suppose for instance, a State has a large number of Backward Classes of citizens which constitute 80% of the population and in the Government, in order to give them proper representation, reserve 80% of the jobs for them. Can it be said that the percentage of reservations is bad and violates the permissible limits of clause (4) of Article 16? The answer must necessarily be in the negative."

It was after this historic judgement of the Supreme Court that reservation in Tamil Nadu was increased to 60%. But unfortunately, Sir, in 1993, while delivering the judgement on the implementation of Mandal Commission Report, the hon. Supreme Court made two observations on a matter beyond the scope of the case before it. It held that both reservation beyond 50% and reservation in promotion are constitutionally not permissible in spite of the fact that the Constitution does not make a mention of either point in letter and spirit.

Since it posed a grave threat to social justice, the then Chief Minister of Tamil Nadu, saviour of social justice, Dr. Puratchithalavi, got an Act to provide 69 per cent reservation passed by the Tamil Nadu Assembly. Since it was our leader's determined effort to render social justice to the oppressed, she demanded incorporation of the said Act in the Ninth Schedule for Constitutional protection. The 76th Constitutional Amendment which was unanimously passed by the Parliament incorporated the said Act in the Ninth Schedule. But, I am very sorry to say that neither the Act nor the 76th Constitutional Amendment has been taken congnizance of by the judiciary. The Supreme Court has been directing the Tamil Nadu Government to comply with the observations of the Court for limiting

reservation to 50 per cent. This complete ignorance of the 76th Constitutional Amendment questions the very right of the Parliament. The DMK Government in Tamil Nadu has been dilly-dallying on the issue. Even though it is a partner in this Coalition Government at the Centre, it is shocking that no initiative ...(*Interruptions*)

THE MINISTER OF SURFACE TRANSPORT (SHRI T.G. VENKATRAMAN): Sir, I object to what the hon. Member is saying...(*Interruptions*)...He is saying that being a partner in this Government, we are doing this and that ...(*Interruptions*)...This type of commentary should not be there.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Mr. Muthu Mani, you avoid that...(*Interruptions*)...

SHRI S. MUTHU MANI: Sir, in 1994, in a meeting held at Gudalur, the present Chief Minister, Mr. Karunanidhi, very boldly declared that if he became Chief Minister, he would protect this 69 per cent reservation...(*Interruptions*)...Otherwise, he would go to jail with a smiling face.

SHRI T.G. VENKATRAMAN: Sir, this should not be discussed here...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI MD. SALIM) Mr. Muthu Mani, you are speaking about the 69 per cent reservation. ...(*Interruptions*)... That is all. You do not go beyond that, please. ...(*Interruptions*)...

SHRI T.G. VENKATRAMAN: He cannot speak about the Chief Minister here...(*Interruptions*)

SHRI S. MUTHU MANI: Sir, you back in 1951, when Supreme Court struct down ...(*Interruptions*)...the order of the then Government providing reservation, the then Prime Minister, Pt. Jawaharlal Nehru got clause (iv) added to article 15 of the Constitution through the First Constitutional Amendment. The reservation was restored thereafter. The Constitution has been amended several times so far for relatively smaller causes. (Time Bells rings) But here is a case of grave injustice to the people of Tamil Nadu. If the 76th Amendment of the Constitution has not been honoured by the Supreme Court, then what is the remedy? Should the Parliament and the Centre be mute witnesses when an Act is passed by the Parliament is ignored? The Centre should live up to the expectations. The Prime Minister keeps on saying that he comes from the lower strata of society. If the promises of this Government are genuine the Government should bring a Constitutional Amendment immediately to protect the 69 per cent reservation in Tamil Nadu and also to give all the States the authority to fix percentage of reservation which should be outside the scope of judicial scrutiny. If this is not done on an extreme emergency basis, the situation can turn out to be grave.

Sir, I also demand that the Centre should prevail upon the Tamil Nadu Government to release Mr. K. Veeramani, the leader of Dravider Kazhagam and his followers who have been kept in judicial custody for democratically protesting against the observations of the Supreme Court against the 69 per cent reservation. I hope that this Government will save the dignity of the Parliament and render social justic to the people of Tami Nadu.

SHRI T.G.VENKATRAMAN: Sir, I object to this. ...(*Interruptions*).... It should be removed. ...(*Interruptions*) ...I cannot keep quiet because I am a Minister.

Blocking construction of roads by Army on Indo-Myanmar border

SHRI W. ANGOU SINGH (Manipur): Mr Vice-Chairman, Sir, I rise to make a Special Mention about the Army's blocking the construction or roads in the border area of Manipur in the Indo-Myanmar border.

Sir, as you know, Manipur is a State where only one-tenth of the area is val-